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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO
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08/100,819 07/30/93 TRICK

R TRICK201LH

EXAMINER

TUCCILLO,N

ART UNIT PAPER NUMBER

18

21M1/0305

SPRUNG HORN KRAMER & WOODS
660 WHITE PLAINS ROAD, 4TH FL.
TARRYTOWN, NY 10591-5144

2101

DATE MAILED:

03/05/96

This is a communication from the examiner in charge of your application
COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined Responsive to communication filed on 2-12-96 This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), — days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. Notice of References Cited by Examiner, PTO-892.
2. Notice of Draftsman's Patent Drawing Review, PTO-948.
3. Notice of Art Cited by Applicant, PTO-1449.
4. Notice of Informal Patent Application, PTO-152.
5. Information on How to Effect Drawing Changes, PTO-1474.
6.

Part II SUMMARY OF ACTION

1. Claims 1-8 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. Claims _____ have been cancelled.

3. Claims _____ are allowed.

4. Claims 1-8 are rejected.

5. Claims _____ are objected to.

6. Claims _____ are subject to restriction or election requirement.

7. This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. Formal drawings are required in response to this Office action.

9. The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are acceptable; not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10. The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been approved by the examiner; disapproved by the examiner (see explanation).

11. The proposed drawing correction, filed _____, has been approved; disapproved (see explanation).

12. Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has been received not been received been filed in parent application, serial no. _____; filed on _____.

13. Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. Other

EXAMINER'S ACTION

Applicant's arguments filed October 23, 1995 have been fully considered but they are not deemed to be persuasive. Applicant has no drawings in the case. Applicant has been informed that such drawings are **required** and must show every feature which is claimed. Further examination of the present case cannot proceed without Applicant's submission of the required drawings, although such drawings may be preliminary in nature.

The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 C.F.R. § 1.81.

The drawings are objected to under 37 C.F.R. § 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the claimed subject matter must be shown or the feature cancelled from the claim. No new matter should be entered.

With respect to Applicant comments concerning the admission of required drawings, Applicant is advised that proposed drawings must be submitted for consideration by the Examiner **before** a notice of allowability is issued.

With respect to Applicant's filed Declaration, said Declaration is considered incomplete as not including the asserted 'attached' photo.

Claims 1-8 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. With respect to claims 1-8, Applicant is

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Applicant should note that the arguments presented in Applicant's Appeal Brief are somewhat persuasive and, therefore, the finality of the last Office Action is hereby withdrawn.

Additionally, Applicant should note that the Examiner apologizes for any inconvenience caused by the addition of new grounds of rejection. The new clarifying grounds of rejection, however, would have been applied earlier had Applicant responded to the 35 U.S.C. 101 rejection as can be found in Applicant's Appeal Brief.

Applicant's amendment after final, dated 2-20-97, has been entered.

Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With respect to claims 1-8, it is unclear as to the form and intent of Applicant's claims. If Applicant intends said claims to delineate a process, then said claims lack proper method steps. If Applicant wishes to claim an apparatus, then Applicant's claim language as now drafted lacks sufficient structure to support the functional language. In either case, Applicant's claim language is indefinite as to the true nature and scope of Applicant's device for which protection is being sought. Correction is required.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas J. Tuccillo whose telephone number is (703) 308-1691. The examiner can normally be reached Monday - Thursday until 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436. The fax phone number for this Group is (703) 305-3431.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1782.

NJT

S. Metjahic
SAFET METJAHIC
SUPERVISORY PATENT EXAMINER
GROUP 2100

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film frame design in an instant film type camera, the type of which is common in the art.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and is supplied for Applicant's information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas J. Tuccillo whose telephone number is (703) 308-1691.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1782.

NJT

M. E. Gellner
NICHOLAS E. GELLNER
SUPERVISORY PATENT EXAMINER
GROUP 2100

February 29, 1996